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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope, with sufficient postage, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

Date: Dec. 13, 2005 Name: Steven P. Shurtz Signature: *Steven P. Shurtz*

BRINKS  
HOFER  
GILSON  
& LIONE

IN THE

UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: James C. Clark et al.

Appln. No.: 10/792,117

Filed: March 2, 2004

For: FAST FLAVOR RELEASE COATING FOR CONFECTIONARY

Examiner: Arthur Corbin

Art Unit: 1761

Attorney Docket No.: 1391-1575

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Transmittal letter, Information Disclosure Statement Form PTO 1449 identifying 66 references, copies of references A48-A66.
- ☒ Return Receipt Postcard

Fee calculation:

- ☒ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_\_).
- ☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$9=			x \$18=	
Indep.		Minus			x 43=			x \$86=	
First Presentation of Multiple Dep. Claim					+\$145=			+\$290=	
					Total	\$		Total	\$

Fee payment:

- ☐ A check in the amount of \$\_\_\_\_\_ is enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

*Steven P. Shurtz*  
Steven P. Shurtz (Reg. No. 31,424)

12/13/05  
Date



# CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope, with sufficient postage, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

Dec. 13, 2005

Date of Deposit

Steven P. Shurtz, Reg. No. 31,424

Name of Applicant, Assignee or  
Registered Representative

Steven P. Shurtz

Signature

12/13/05

Date of Signature

Our Case No.: 1391-1575

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

James C. Clark et al.

Serial No.: 10/792,117

Filing Date: March 2, 2004

For: FAST FLAVOR RELEASE  
COATING FOR CONFECTIONARY

Examiner: Arthur Corbin

Group Art Unit No.: 1761

## INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
Alexandria, VA 22313-1450

Dear Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed below and on the attached Form PTO-1449 be considered by the Examiner and made of record. Copies of the listed documents required by 37 C.F.R. § 1.98(a)(2) are enclosed for the convenience of the Examiner.

The references now cited are the following:

### U.S. PATENT DOCUMENTS

4,053,650	10/11/77	Chino et al.
4,289,790	09/15/81	Bruelle
4,452,825	06/06/84	Klacik et al.
4,517,205	05/14/85	Aldrich
4,623,543	11/18/86	Motegi et al.
4,640,218	02/03/87	Motoyama et al.
4,684,523	08/04/87	Ferrero
4,725,441	02/16/88	Porter et al.
4,762,719	08/09/88	Forester
4,802,924	02/07/89	Woznicki et al.
4,828,841	05/09/89	Porter et al.
4,828,845	05/09/89	Zamudio-Tena et al.
4,971,798	11/20/90	Coia et al.
4,971,806	11/20/90	Cherukuri et al.
4,981,698	01/01/91	Cherukuri et al.
5,098,715	03/24/92	McCabe et al.
5,437,879	08/01/95	Kabse et al.
5,470,581	11/28/95	Grillo et al.
5,571,547	11/05/96	Serpelloni et al.
5,578,336	11/26/96	Monte
5,827,852	10/27/98	Russell et al.
5,900,261	05/04/99	Ribadeau-Dumas et al.
6,024,995	02/15/00	Rosso
US 6,180,143 B1	01/30/01	Rapp et al.
US 6,183,808 B1	02/06/01	Grillo et al.
US 6,207,207 B1	03/27/01	Belzowski et al.
US 6,221,407 B1	04/24/01	Gallart et al.
US 6,224,904 B1	05/01/01	Rapp et al.
US 6,231,900 B1	05/15/01	Hanke
US 6,245,384 B1	06/12/01	Lott
US 6,248,386 B1	06/19/01	Willibald-Ettle et al.
US 6,251,448 B1	06/26/01	DeStephan et al.
US 6,290,985 B2	09/18/01	Ream et al.
US 6,306,429 B1	10/23/01	Bealin-Kelly
US 6,350,480 B1	02/26/02	Urnezis et al.
US 6,458,400 B1	10/01/02	Willibald-Ettle et al.
US 6,572,900 B1	06/03/03	Zyck et al.
US 6,592,928 B2	07/15/03	Makela et al.
US 2003/0148007 A1	08/07/03	Schevers et al.
US 6,623,784 B2	09/23/03	Zerby et al.
US 2003/0198713 A1	10/23/03	Clark et al.
US 6,783,783 B2	08/31/04	Clark et al.
US 2004/0175489 A1	09/09/04	Clark et al.
US 2004/0191402 A1	09/30/04	Stawski et al.
US 6,805,890 B2	10/19/04	Wu et al.
US 2005/0191406 A1	09/01/05	Alexander et al.

### Foreign Patent Documents

EP 0 212 824	03/04/1987	Europe
EP 0 273 000 A1	06/29/1988	Europe
EP 0 298 768 A2	01/11/1989	Europe
EP 0 399 479 A1	11/28/1989	Europe
EP 0 433 004 A2	06/19/1991	Europe
EP 0 437 098 A2	07/17/1991	Europe
EP 0 437 927 A2	07/24/1991	Europe
EP 0 458 750 A1	11/27/1991	Europe
EP 0 890 358 A1	01/13/1999	Europe
WO 95/12990	05/18/1995	WIPO
WO 97/03569	02/06/1997	WIPO
WO 97/06695	02/27/1997	WIPO
WO 97/24036	07/10/1997	WIPO
WO 98/47483	10/29/1998	WIPO
WO 01/03513 A1	01/18/2001	WIPO
WO 01/49270 A2	07/21/2001	WIPO
WO 01/80660 A1	11/01/2001	WIPO

### Other Art

Minifie, Bernard W., Ph.D., "Chocolate, Cocoa, and Confectionary", *Science and Technology* Third Edition, Published by Van Nostrand Reinhold, New York, NY., copyright 1989, pp. 165-182.

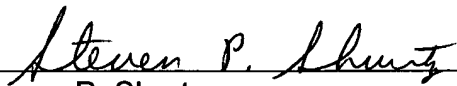
Linden, G. and D. Lorient. New ingredients in Food Processing, 1999, William Andrew Publishing. Page 231.

Since each of the documents is in the English language, or an English language translation is being provided, no statement of the relevance of the references is needed.

This Information Disclosure Statement is being filed prior to the receipt of the first Official Action reflecting an examination on the merits and hence is believed to be timely filed in accordance with 37 C.F.R. § 1.97(b). No fees are believed to be due in connection with filing of this Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these material, the Commissioner is hereby authorized to deduct said fees from Brinks Hofer Gilson & Lione Deposit Account No. 23-1925.

Applicant respectfully request that the listed documents be made of record in the present case.

Respectfully submitted,

  
Steven P. Shurtz  
Registration No. 31,424  
Attorney for Applicants

BRINKS HOFER GILSON & LIONE  
P.O. Box 10395  
Chicago, IL 60610  
(801)444-3933  
(801)444-9210 (fax)



FORM PTO 1449	SERIAL NO. 10/792,117	CASE NO. 1391-1575
<b>LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT</b>	FILING DATE March 2, 2004	GROUP ART UNIT 1761
(use several sheets if necessary)		APPLICANT(S): James C. Clark et al.

**REFERENCE DESIGNATION U.S. PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	A1	4,053,650	10/11/77	Chino et al.		
	A2	4,289,790	09/15/81	Bruelle		
	A3	4,452,825	06/06/84	Klacik et al.	426/658	
	A4	4,517,205	05/14/85	Aldrich		
	A5	4,623,543	11/18/86	Motegi et al.		
	A6	4,640,218	02/03/87	Motoyama et al.		
	A7	4,684,523	08/04/87	Ferrero	424/441	06/14/1985
	A8	4,725,441	02/16/88	Porter et al.		
	A9	4,762,719	08/09/88	Forester	424/440	
	A10	4,802,924	02/07/89	Woznicki et al.		
	A11	4,828,841	05/09/89	Porter et al.		
	A12	4,828,845	05/09/89	Zamudio-Tena et al.		
	A13	4,971,798	11/20/90	Coia et al.	424/440	11/20/1989
	A14	4,971,806	11/20/90	Cherukuri et al.		
	A15	4,981,698	01/01/91	Cherukuri et al.		
	A16	5,098,715	03/24/92	McCabe et al.		
	A17	5,437,879	08/01/95	Kabse et al.		
	A18	5,470,581	11/28/95	Grillo et al.		
	A19	5,571,547	11/05/96	Serpelloni et al.		
	A20	5,578,336	11/26/96	Monte		
	A21	5,827,852	10/27/98	Russell et al.		
	A22	5,900,261	05/04/99	Ribadeau-Dumas et al.		
	A23	6,024,995	02/15/00	Rosso		
	A24	US 6,180,143 B1	01/30/01	Rapp et al.	426/3	08/09/1997
	A25	US 6,183,808 B1	02/06/01	Grillo et al.		
	A26	US 6,207,207 B1	03/27/01	Belzowski et al.		
	A27	US 6,221,407 B1	04/24/01	Gallart et al.		
	A28	US 6,224,904 B1	05/01/01	Rapp et al.	424/464	08/09/1997
	A29	US 6,231,900 B1	05/15/01	Hanke		
	A30	US 6,245,384 B1	06/12/01	Lott		
	A31	US 6,248,386 B1	06/19/01	Willibald-Ettle et al.	426/516	02/11/1998
	A32	US 6,251,448 B1	06/26/01	DeStephan et al.		
	A33	US 6,290,985 B2	09/18/01	Ream et al.		
	A34	US 6,306,429 B1	10/23/01	Bealin-Kelly	424/439	
	A35	US 6,350,480 B1	02/26/02	Urnezis et al.		
	A36	US 6,372,271 B1	04/16/02	Fritzsching et al.	425/103	01/16/1998

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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## REFERENCE DESIGNATION

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	A37	US 6,458,400 B1	10/01/02	Willibald-Ettle et al.	426/548	02/21/1997
	A38	US 6,572,900 B1	06/03/03	Zyck et al.		
	A39	US 6,592,928 B2	07/15/03	Makela et al.	426/660	11/21/2001
	A40	US 2003/0148007 A1	08/07/03	Schevers et al.		
	A41	US 6,623,784 B2	09/23/03	Zerby et al.	426/660	08/27/2001
	A42	US 2003/0198713 A1	10/23/03	Clark et al.		
	A43	US 6,783,783 B2	08/31/04	Clark et al.		
	A44	US 2004/0175489 A1	09/09/04	Clark et al.		
	A45	US 2004/0191402 A1	09/30/04	Stawski et al.		
	A46	US 6,805,890 B2	10/19/04	Wu et al.		
	A47	US 2005/0191406 A1	09/01/05	Alexander et al.		

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES OR NO
	A48	EP 0 212 824	03/04/1987	Europe		
	A49	EP 0 273 000 A1	06/29/1988	Europe		
	A50	EP 0 298 768 A2	01/11/1989	Europe		
	A51	EP 0 399 479 A1	11/28/1989	Europe		Yes
	A52	EP 0 433 004 A2	06/19/1991	Europe		
	A53	EP 0 437 098 A2	07/17/1991	Europe		
	A54	EP 0 437 927 A2	07/24/1991	Europe		
	A55	EP 0 458 750 A1	11/27/1991	Europe		
	A56	EP 0 890 358 A1	01/13/1999	Europe		Yes
	A57	WO 95/12990	05/18/1995	WIPO		
	A58	WO 97/03569	02/06/1997	WIPO		
	A59	WO 97/06695	02/27/1997	WIPO		
	A60	WO 97/24036	07/10/1997	WIPO		
	A61	WO 98/47483	10/29/1998	WIPO		
	A62	WO 01/03513 A1	01/18/2001	WIPO		
	A63	WO 01/49270 A2	07/21/2001	WIPO		
	A64	WO 01/80660 A1	11/01/2001	WIPO		

EXAMINER INITIAL	<b>OTHER ART – NON PATENT LITERATURE DOCUMENTS</b> (Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.
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EXAMINER	DATE CONSIDERED
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EXAMINER INITIAL	OTHER ART – NON PATENT LITERATURE DOCUMENTS (Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.	
	A65	Minifie, Bernard W., Ph.D., "Chocolate, Cocoa, and Confectionary", <i>Science and Technology</i> Third Edition, Published by Van Nostrand Reinhold, New York, NY., copyright 1989, pp. 165-182.
	A66	Linden, G. and D. Lorient. New ingredients in Food Processing, 1999, William Andrew Publishing. Page 231.

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